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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 TAMMY BREEDEN,

11 Plaintiff,

12 v.

13 SAFEWAY STORES, INC., *et al.*,

14 Defendants.

Case No. 2:11-CV-01785-KJD-VCF

**ORDER**

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16 Before the Court is the Motion for Attorney Fees and Costs (#17) filed by Defendants  
17 Safeway Inc., Safeway Stores, Inc. and The Vons Companies, Inc. No opposition to this motion has  
18 been filed.

19 Plaintiff filed her complaint in Clark County District Court against Defendants. However,  
20 neither Safeway Stores, Inc, nor Safeway, Inc (the “Safeway Defendants”) owned, operated, or  
21 maintained the premises on the date of the alleged slip-and-fall forming the basis of this lawsuit. The  
22 Safeway Defendants filed a motion to dismiss the Complaint, which this Court granted (#14) on June  
23 11, 2012.

24 The Safeway Defendants seek costs in the amount of \$10.80 pursuant to Fed. R. Civ. P. 54.  
25 No opposition to Defendants’ request for costs has been filed and good cause appears for the award  
26 of costs. Accordingly, the Safeway Defendants are awarded costs in the amount of \$10.80.

1       The Safeway Defendants also seek an award of attorney's fees. However, the Safeway  
2 Defendants do not specify any statute or rule showing that they are entitled to attorney's fees. Instead,  
3 the Safeway Defendants argue that justice requires an award of fees.

4       Nevada law authorizes the award of fees where the complaint was brought without reasonable  
5 grounds or to harass the other party. NRS § 18.010(2). However, in order to award such fees, there  
6 must be evidence in the record that complaint was groundless or harassing. Semenza v. Caughlin  
7 Crafted Homes, 111 Nev. 1089, 1095 (1995) (quoting Chodhry v. NLVH, Inc., 109 Nev. 478, 486  
8 (1993)). The Court finds no such evidence in the record and accordingly declines to award attorney's  
9 fees.

10      **IT IS HEREBY ORDERED THAT** the Motion for Attorney Fees and Costs (#17) is  
11 **GRANTED** in part and **DENIED** in part.

12      **IT IS FURTHER ORDERED THAT** Plaintiff shall pay costs in the amount of \$10.80 to  
13 Defendants.

14      DATED this 17th day of September 2012.



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17      Kent J. Dawson  
18      United States District Judge  
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